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EXAMINER


MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/750,350	Applicant(s) FREEMAN ET AL. 	
	Examiner Susanna M. Diaz	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is not on a separate page and it is too long. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. ~~Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being~~
indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 1 recites that a “contractor uses a computer to assist the contractor in managing activities...the method comprising the following steps.” It is not clear to what extent the computer is actually used in carrying out these steps.

The term “status location” is utilized throughout claim 1. This term is misleading since a “location” implies a physical location as opposed to a status of a job (e.g., not completed, completed). The subcontractor does not appear to be updating a physical location.

It is not clear what the intended metes and bounds of “the contractor or persons designated by the contractor monitoring the display of subcontractor activities” are (recited in claim 1 and similarly in claim 37). Does this limitation require that someone constantly sit in front on the display to monitor activities?

Use of the term “may” in claim 7 raises the question of whether or not the actions following the term “may” are actually carried out or only potentially carried out (i.e., capable of being performed).

As per claims 16-18, it is not understood what is meant by “closing” a status change. Is the status change request or decision deleted completely? How does this affect the status monitoring?

Claim 21 is directed toward a system claim, yet it recites limitations that do not seem to expressly utilize any of the system elements, thereby raising questions as to how much weight such limitations are given. These limitations include “the manufacturers having agreed...” and “the subcontractors having agreed...” A similar issue arises with the limitations recited in claims 25 and 33.

Claim 25 recites that a manufacturer *must* provide information on all subcontractors and materials or services before construction can begin. It is not clear how such a requirement is enforced. What happens if the manufacturer fails to provide such information? Does this imply that no project management is performed if the information is not provided, thereby negating the steps that follow initiation of construction, as recited in independent claim 21?

Use of the term “may” in claims 27, 31, and 34 raises the question of whether or not the actions following the term “may” are actually carried out or only potentially carried out (i.e., capable of being performed).

Claim 35 recites that “the information from the screen *permits* the manager to evaluate the potential impact of the subcontractor’s supplying the same components to other device manufacturers.” The metes and bounds of this claim are ambiguous because the word “permits” merely implies a broad facilitation of the recited evaluation. In other words, just displaying the information seems to meet the claim language regardless of how the manager ultimately uses the information. The manager could merely ponder the recited potential impact in his/her head.

Claim 37 recites that those persons responsible for each subproject are required to supply a report regarding various event statuses. It is not clear how such a requirement is enforced. What happens if these person fail to provide such a report?

Does this imply that project management is not completed, thereby negating some of the subsequent steps recited in claim 37?

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. (U.S. Patent No. 5,893,074) in view of Primavera Expedition, as disclosed in "Primavera Introduces Primavera Expedition 7.0."

Hughes teaches a method whereby a contractor uses a computer to assist the contractor in managing activities of a plurality of subcontractors of goods and services, the method comprising the following steps:

[Claim 1] the contractor contracting with a manufacturer to build one or more devices (col. 1, lines 28-39; col. 4, lines 30-34),

the manufacturer contracting with the plurality of subcontractors to supply the manufacturer with goods and services that the manufacturer will utilize in constructing the devices (col. 1, lines 28-39; col. 4, lines 30-34),

once construction of any one of the devices begins, executing a real-time computer program in the computer, the computer program having a status location for each subcontractor (Figs. 7, 8; col. 3, lines 1-21; col. 4, lines 56-60; col. 5, lines 58-62; col. 10, lines 7-15; col. 11, lines 20-32; col. 12, lines 38-40; col. 12, line 62 through col. 13, line 22),

the computer program changing a status indicator on a display to reflect the change in the status location (Figs. 7, 8; col. 3, lines 1-21; col. 4, lines 56-60; col. 5, lines 58-62; col. 10, lines 7-15; col. 11, lines 20-32; col. 12, lines 38-40; col. 12, line 62 through col. 13, line 22), and

the contractor or persons designated by the contractor monitoring the display of subcontractor activities (Fig. 2B; col. 5, lines 58-62),

[Claim 4] wherein the display is an electronic dashboard (Figs. 7, 8),

[Claim 5] wherein the change is made by using a click box (col. 12, lines 22-24),

[Claim 6] wherein an electronic notice of change is sent to a contractor-selected list of recipients whenever any change is entered (col. 10, lines 28-35),

[Claim 13] wherein all changes are recorded in a database (col. 5, lines 16-26 -- All negotiations are stored).

Regarding claim 1, Hughes teaches the reporting of a project status update to reflect the progress of a subcontractor (as discussed above); however, Hughes does not expressly teach that the status location is changed whenever a subcontractor accesses the computer and reports a change in status. Primavera Expedition is Web-based project management software that monitors the progress of third party personnel by allowing them to enter project progress information via its Web-based interface (¶¶ 2, 8). This interface enables all project participants to conveniently globally access up-to-date project information, thereby facilitating effective project collaboration (¶¶ 1, 8). Since both Hughes and Primavera Expedition are directed toward facilitating project

management among various subcontractors, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes to allow its subcontractors to enter status information via a computer (e.g., connected to the Internet) in order to enable all project participants to conveniently globally access up-to-date project information, thereby facilitating effective project collaboration (as taught by Primavera Expedition, ¶¶ 1, 8).

As per claim 2, Hughes teaches collaboration on the construction of a NASA spacecraft (col. 5, lines 6-8); however, Hughes does not expressly disclose the construction of a satellite. Official Notice is taken that it is old and well-known in the art of manufacturing to custom build a satellite. In light of the fact that NASA utilizes many satellites in addition to spacecraft, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Hughes to monitor the construction of a satellite in order to make Hughes' invention more versatile by targeting a wider range of deliverables.

Regarding claim 3, Hughes' users access their computers as part of a LAN (col. 5, lines 33-41), yet Hughes does not expressly teach computer access through an extranet site. However, Official Notice is taken that it is old and well-known in the art to facilitate communications among users internal and external to an entity via an extranet site. The use of an extranet promotes secure communications among users who are

located internally and externally in relation to a given entity. Since Hughes' users comprise both internal employees working on potentially highly secretive spacecraft designs with external subcontractors, the Examiner asserts that it would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention to facilitate communications among internal and external users via an extranet site in order to promote secure communications among all users.

Regarding claim 7, Hughes teaches that the managers of the smaller projects (i.e., tasks of the larger projects) may, at their discretion, make decisions to approve or disapprove change requests (col. 2, lines 46-63; col. 6, lines 36-49). Hughes does not expressly teach that the manager may request more information or may make no decision; however, Official Notice is taken that it is old and well-known in the art of change order management to request more information before making a decision or to make no decision at all. This leaves the project manager's options open to guiding the project and enforcing original contracts as he/she sees fit. Since Hughes' managers are given control over decisions regarding change requests, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Hughes' managers to also select to request more information or make no decision when a change request is made in order to leave the project manager's options open to guiding the project and enforcing original contracts as he/she sees fit.

Regarding claim 8, Hughes teaches the use of pull-down menus, yet he does not expressly teach the user of a computerized menu to display the choices available when a request for change is made. However, Official Notice is taken that it is old and well-known in the art to provide users with a computerized menu of available options in order to facilitate selection of a valid option (i.e., one that is recognized by the system being used). Therefore, the Examiner asserts that it would have been obvious to one of

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ordinary skill in the art at the time of Applicant's invention to modify Hughes to incorporate the choices available when a request for change is made on a computerized menu in order to facilitate selection of a valid option (i.e., one that is recognized by the system being used).

Regarding claims 9-12, Hughes does not expressly teach that the changes are designated to be of different classes, including those designated as "No Change," "Minor Change," and "Major Change," wherein each class is indicated on the display by a color different from the color used to indicate any other change and wherein green indicates the "No Change" class, yellow indicates the "Minor Change" class, and red indicates the "Major Change" class. However, Official Notice is taken that it is old and well-known in the art of project management to classify different classes of change requests. This practice helps to call greater attention to those types of classes that are more serious in nature and therefore require a more thorough review before a final decision is made. For example, a "Major Change" would require greater attention than a "Minor Change" and a "Minor Change" would require greater attention than "No Change." Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes to classify the various changes to be designated as being of different classes, such as "No Change," "Minor Change," and "Major Change," in order to call greater attention to those types of classes that are more serious in nature (e.g., "Major Change") and therefore require a more thorough review before a final decision is made. Also, Official notice is taken that it is old and well-known in the art to color code items of interest

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based on the level of attention merited by each. Traditionally, the color "red" serves as a serious sign of danger (e.g., the red light of a traffic signal demands that one stop to prevent against danger), while the color "yellow" serves as a potential warning of danger (e.g., the yellow light of a traffic signal warns one to slow down to prevent against danger), and the color "green" usually provides a safer, "go-ahead" message (e.g., the green light of a traffic signal is typically indicative that it is safe to go). Using these analogies, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to color each class of the modified Hughes such that each class is indicated on the display by a color different from the color used to indicate any other change and wherein green indicates the "No Change" class, yellow indicates the "Minor Change" class, and red indicates the "Major Change" class in order to even more effectively call greater attention to those types of classes that are more serious in nature (e.g., "Major Change"), indicated by the color red for most serious, yellow for potentially serious, and green for least serious (in concert with the common three-color level of danger paradigm), and therefore require a more thorough review before a final decision is made.

Regarding claims 14-16, Hughes teaches the step of sending reminders to suppliers and receivers to complete their assigned products or tasks as well as e-mails related to status updates (col. 10, lines 28-39). However, Hughes does not expressly teach that persons selected by the contractor are sent a reminder whenever there is a status change for which no action has been reported by the manager, wherein the reminders are made daily or wherein the reminders are made until the manager either

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takes action or closes status change. By failing to respond to a status change, a manager is effectively failing to perform an assigned task. Since Hughes already teaches the sending of reminders for outstanding tasks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes such that persons selected by the contractor are sent a reminder whenever there is a status change for which no action has been reported by the manager in order to encourage these persons to complete their assigned task of responding to a status change (as per claim 14), thereby facilitating completion of the overall project. Furthermore, by sending reminders until a task is completed (e.g., until a status change is responded to), the modified version of Hughes effectively teaches that the reminders are made until the manager either takes action or closes status change (as per claim 16). Also, Official Notice is taken that it is old and well-known in the art of project management to send reminders on a periodic basis, as selected by the project manager. For example, depending on the nature of the project, weekly reminders might be sufficient while more time-constrained projects might require daily reminders. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Hughes to send out daily reminders (as per claim 15) to meet the needs of managers supervising more time-constrained projects.

As per claims 17 and 18, Hughes does not expressly teach that the status change is closed after passage of a contractor-selected period of time nor that closing the status change is indicated by a change of color of a status indicator on the display.

However, Official Notice is taken that it is old and well-known in the art to close messages after a predetermined period of non-response. This practice conserves network resources by ending the repeated processing of messages that will likely not receive a response after a given time period. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes to close a status change after passage of a contractor-selected period of time (as per claim 17) in order to help conserve network resources by ending the repeated processing of messages that will likely not receive a response after a given time period. Furthermore, as discussed above, color coded status indicators draw attention to items requiring greater scrutiny. Since a status change response may be important to one party, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to indicate the closing of a status change by a change of color of a status indicator on the display in order to draw attention to the closure of the status change to parties to whom the status change response is of great importance, thereby alerting these parties to pursue a response by other means.

Regarding claims 19 and 20, Hughes does not expressly teach use of a password to ensure that a particular subcontractor can load only that data and view that information which pertains to the devices being constructed or services being provided by that subcontractor. However, Primavera Expedition teaches an interface that allows each user to only access data "they need in order to do their jobs" (¶ 8). This protects secure data from parties who are not privy to such information. Furthermore, Official

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Notice is taken that it is old and well-known in the art to utilize a password to control secure access to limited data. Since Hughes is directed toward building a spacecraft for NASA, which likely involves many data secrecy issues, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes to implement use of a password to ensure that a particular subcontractor can load only that data and view that information which pertains to the devices being constructed or services being provided by that subcontractor in order to protect the integrity of the various sets of project-related data.

[Claims 21-37] Claims 21-37 recite limitations already addressed by the rejection of claims 1-20 above; therefore, the same rejection applies.

Furthermore, as per claim 25, Hughes does not expressly teach that each manufacturer must provide information on all subcontractors and the materials or services each might supply before construction can begin. However, Hughes' main embodiment is directed toward building a spacecraft for NASA, which is understood to involve government contracts. Inherent to all government building contracts is that each manufacturer must provide information on all subcontractors and the materials or services each might supply before construction can begin; therefore, such a feature is deemed inherent to Hughes.

Regarding claim 26, Hughes does not expressly teach that the dashboard shows the status of each satellite under construction, the expected date of shipment from the factory for each satellite, and the status of each project for each critical subsystem of

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the satellite; however, Official Notice is taken that it is old and well-known in the art of project management to track the status of various subprojects and tasks corresponding to various deliverables and expected dates of the deliverables in order to assist in more accurately estimating final completion of the overall project. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes' dashboard to show the status of each satellite under construction, the expected date of shipment from the factory for each satellite, and the status of each project for each critical subsystem of the satellite in order to assist in more accurately estimating final completion of the overall project.

As per claims 31 and 32, Hughes does not expressly teach that the contractor has a manager who may click on a status indicator on the display, which click results in a subsidiary screen being displayed, which subsidiary screen provides in detail and in summary the nature of the change indicated by the status change and wherein the subsidiary screen is the On Line Review and Approval screen. However, Hughes does store all of such information as part of the project negotiations and status records.

Official Notice is taken that it is old and well-known in the art to link related information and make it accessible by drilling down through a hierarchy of the linked related information in order to facilitate rapid access to the linked data. Therefore, the

Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes such that the contractor has a manager who may click on a status indicator on the display, which click results in a subsidiary screen being displayed, which subsidiary screen provides in detail and in summary the

nature of the change indicated by the status change and wherein the subsidiary screen is the On Line Review and Approval screen in order to facilitate rapid access to the linked data.

As per claims 34 and 35, Hughes does not expressly teach that the contractor has a manager who may click on a status indicator on the display which click results in a subsidiary screen being displayed, which subsidiary screen provides, in detail and in summary, information from which screen the manager may determine if the subcontractor is supplying the same components or materials to other device manufacturers and wherein the information from the screen permits the manager to evaluate the potential impact of the subcontractor's supplying the same components to other device manufacturers. However, Official Notice is taken that it is old and well-known in the art of supply chain management to evaluate the effect of a supplier providing the same product to various entities, especially for purposes of anticipating availability of product inventory. Furthermore, Official Notice is taken that it is old and well-known in the art to link related information and make it accessible by drilling down through a hierarchy of the linked related information in order to facilitate rapid access to the linked data. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Hughes such that the contractor has a manager who may click on a status indicator on the display which click results in a subsidiary screen being displayed, which subsidiary screen provides, in detail and in summary, information from which screen the manager may determine if the subcontractor is supplying the same components or materials to other device

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manufacturers and wherein the information from the screen permits the manager to evaluate the potential impact of the subcontractor's supplying the same components to other device manufacturers in order to allow a manager to rapidly access linked data to evaluate whether or not the subcontractor will likely be able to fulfill demand for a product based on its external demand for inventory from all customers.

As per claim 36, the rejection of claim 34 addresses the content of the subsidiary screen labeled as the "Subcontractor Early Alert screen." This label adds no functionality to the described screen and therefore merits no patentable weight beyond the details already addressed in the rejection of claim 34.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
October 1, 2004